

**REMARKS**

Claims 1-18 and 27-36 are pending in this application. By this Amendment, claims 1-7, 10-16, 27-33 and 36 are amended, and withdrawn claims 19-26 and 37-41 are cancelled. Applicants reserve the right to file one or more divisional applications to pursue the subject matter of the non-elected withdrawn claims. No new matter is added.

The courtesies extended to Applicants' representative by Examiners Ge and Chen at the interview held August 8 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

**I. The Title Is Descriptive**

The Office Action objects to the title for not being descriptive. By this Amendment, the title is amended to overcome the objection. Applicants request withdrawal of the objection.

**II. The Claims Are Statutory**

The Office Action rejects claim 36 under 35 U.S.C. §101 for being directed to non-statutory subject matter. By this Amendment, claim 36 is amended to overcome the rejection as suggested by the Office Action. Applicants request withdrawal of the rejection.

**III. The Claims Are Patentable Over The Applied References**

The Office Action (1) rejects claims 1, 3-4, 6, 10, 12-13, 15, 27, 29-30, 32 and 36 under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2002/0027603 to Kuwata et al. (Kuwata); (2) rejects claims 1, 3-4, 6-8, 10, 12-13, 15-17, 27, 29-30, 32-34 and 36 under 35 U.S.C. §102(e) over U.S. Patent No. 6,980,325 to Sugiura et al. (Sugiura); and (3) rejects claims 2, 5, 9, 11, 14, 18, 28, 31 and 35 under 35 U.S.C. §103(a) over Sugiura in view of U.S. Patent No. 7,110,143 to Bares et al. (Bares). Applicants respectfully traverse the rejections.

**A. Kuwata**

Kuwata discloses an apparatus for image adjustment. A digital still camera (DSC) 12 generates an image file 100 (Fig. 1; paragraph [0062]) in the RGB color space (paragraph [0064]), and converts image file 100 into the YCrCb color space for storage (paragraph [0064]). The image file 100 is generally stored in the Exif format with image processing control information GI (paragraph [0065]). The color printer 20 outputs the image file 100 (Fig. 1). Color printer 20 includes control circuit 30 that reads image file 100 and analyzes the image processing control information GI (paragraphs [0078 and [0081]). A CPU 31 receives the image processing control information GI and extracts the color space tag indicating a color space to be implemented (paragraph [0081]; Fig. 6, step S130).

The cited paragraphs of [0083]-[0086] describe generation of the image file 100 in the color space indicated.

In contrast, the claimed subject matter is directed to determining, from an image file such as an Exif file that lacks information identifying the color space of the image file, the color space in which the image data is defined, based on characteristics of the image data (see, for example, paragraphs [0026]-[0027]).

Regarding independent claims 1, Kuwata fails to disclose (1) "determining means for determining whether image data to be processed includes color space information identifying a color space in which the image data is defined;" and (2) "inferring means for determining the color space of the image data that is to be processed based on characteristics of the image data when the determining means determines that the image data does not include color space information."

Regarding independent claim 10, Kuwata fails to disclose a controller that: "(1) determines whether image data to be processed includes color space information identifying a color space in which the image information is defined;" and "(2) determines a color space of

the image data that is to be processed based on characteristics of the image data when the controller determines that the image data does not include color space information identifying the color space of the image data."

Regarding independent claims 27 and 36, Kuwata fails to disclose the steps of (1) "determining whether image data to be processed includes color space information identifying a color space in which the image data is defined;" and (2) "determining a color space of the image data that is to be processed based on characteristics of the image data when the image data is determined to not include color space information."

Kuwata fails to disclose features (1) and (2) above for all the independent claims because the CPU 30 already knows that the image file 100 is stored in an Exif file and in the YCrCb color space. The color space to be implemented (paragraph [0081]) that is extracted by the CPU 31 from the color space tag does not correspond to the claimed color space information identifying a color space in which the image data is defined because the image data 100 is not yet in the extracted color space to be implemented (the extracted color space is the target color space to which the image data is to be translated).

For the foregoing reasons, Applicants request withdrawal of the rejection based on Kuwata.

#### **B. Sugiura**

Sugiura discloses color space (CS) translation of image files. In operation, an image data source 108 provides image data 110 in a first color space CS1 and tag data 112 representing parameters of the first color space CS1 (col. 1, lines 57-59). CPU 102 translates the image data 110 from color space CS1 into image data 114 in color space CS2 (Fig. 1).

Regarding independent claims 1, Sugiura fails to disclose inferring means for "determining the color space of the image data that is to be processed based on characteristics

of the image data when the determining means determines that the image data does not include color space information."

Regarding independent claim 10, Sugiura fails to disclose a controller that "determines a color space of the image data that is to be processed based on characteristics of the image data when the controller determines that the image data does not include color space information identifying the color space of the image data."

Regarding independent claims 27 and 36, Sugiura fails to disclose the step of "determining a color space of the image data that is to be processed based on characteristics of the image data when the image data is determined to not include color space information."

Sugiura fails to disclose the above features for all of the independent claims because Sugiura's image data is provided already with the tag data indicating the parameters of the first color space. Thus, Sugiura does not need, and does not disclose, a determining means or step of determining that determines whether the image data 110 includes color space information, and if not, an inferring means to determine the color space of the image data 110.

For the foregoing reasons, Applicants request withdrawal of the rejections based on Sugiura.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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